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SYLLABUS

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REQUIRED READING MATERIAL

(i) Tremeear's 1995 Criminal Code
(ii) Delisle & Stuart, Learning Canadian Criminal Procedure. 3rd Ed. 1994, Carswell
(iii) Code, Supplementary Casebook

I. JURISDICTION

Class 1

(i) Courts and Classification of Offences

- Criminal Code, Ss.468-473 and s.785
- Deslisle & Stuart: pp.1-9
- Code Supplement:
  Mewett, Introduction to the Criminal Process,

(ii) Time Limitations: Trial within a reasonable time

- S.786
- Charter, s.11(b) and s.7
- Deslisle & Stuart: pp.10-40
- Code Supplement:
  Smith v. The Queen (1989), 73 C.R. (3d) 1 (S.C.C.)
  Askov et al. v. The Queen (1990), 59 C.C.C. (3d) 449 (S.C.C.)

Class 2

(iii) Territorial jurisdiction, jurisdiction over the person and offence, loss of jurisdiction

- S.7, ss.468-470, ss.475-479, s.485, s.544, and s.650
- Charter, s.7
- Deslisle & Stuart, pp. 41-48
- Code Supplement:
  R. v. McMorris and Francis (1971), 4 C.C.C. (2d) 268 (Ont. Dist. Ct.)
  R. v. Liesmer and MacDougall, April 19, 1990 (Ont. Prov. Ct.)
  Doyle v. The Queen (1976), 29 C.C.C. (2d) 177 (S.C.C.)
  R. v. Krannenburg (1980), 51 C.C.C. (2d) 205 (S.C.C.)
  R. v. Thompson (1980), 51 C.C.C. (2d) 212 (S.C.C.)
  Barrow v. The Queen (1987), 38 C.C.C. (3d) 193 (S.C.C)
  Cote & Vezina v. The Queen (1986), 23 C.C.C. (3d) 481 (S.C.C.)
  R. v. Cloutier (1988), 43 C.C.C. (3d) 35 (Ont. C.A.)
  Sullivan v. The Queen (1986),27 C.R.R. 1 (Ct. Mar. App. Ct.)

(iv) Change of Venue

- S.599
- Deslisle & Stuart: pp.49-53
- Code Supplement:
  R. v. Talbot (1977), 38 C.C.C. (2d) 555 (Ont.H.C.J.)

Classes 3 and 4

II. SEARCH AND SEIZURE

- Ss.101-3, 183-196, 199 and 487-491.1
- Charter, s.8
- Deslisle & Stuart, pp.57-63, 69-79 and 130-185
- Code Supplement:
  Re. Den Hoy Gin (1965), 47 C.R. 89 (Ont.C.A.)
  R. v. Sismey (1990), 55 C.C.C. (3d) 281 (Ont.C.A.)
  Descoteaux et al v. Mierzwinski and A.G. of Quebec et al (1983), 70 C.C.C. (2d) 385 (S.C.C.)
  Baron v. The Queen (1983), 18 C.R. (4th) 374 (S.C.C.)
  Simmons v. The Queen (1988), C.C.C.(3d) 296 (S.C.C.)
  R. v. Debot (1986), 30 C.C.C. (3d) 207 (Ont.C.A.); affirmed 52 C.C.C. (3d) 193 (S.C.C.)
  Cloutier v. Langlois et al. (1990), 53 C..C.C. (3d) 257 (S.C.C.)
  R. v. Lim and Nola (No.2) (1990). 1 C.R.R. (2d) 136 (Ont. H.C.J.)
  R. v. Speid (1991), 8 C.R.R. (2d) 383 (Ont. C.A.)
  Collins v. The Queen (1987), 33 C.C.C. (3d) 1 (S.C.C.)
  Re Zevallos and The Queen (1987), 37 C.C.C. (3d) 79 (Ont.C.A.)
  Hill, The New Search Warrants Under Bill C-109

Class 5

III. ARREST, COMPELLING APPEARANCES OF ACCUSED AND CHARGING THE ACCUSED

- Ss. 493-514, Ss. 30-31, s.528
- Charter, s.9
- Deslisle & Stuart, pp.210-254
- Code Supplement:
  Ladouceur v. The Queen (1990), 56 C.C.C. (3d) 22 (S.C.C.)
  Regina v. Mellinthin (1992) 76 C.C.C. (3d) 481 (S.C.C.)
  Regina v. Simpson (1993), 79 C.C.C. (3d) 482 (Ont.C.A.)

Class 6

IV. JUDICIAL INTERIM RELEASE

- Ss.515-526, s.145, Ss. 766-7, Ss.679-680, s.683(5) and s.261
- Deslisle & Stuart, pp.255-285
- Code Supplement:
  R. v. Dakin, unreported, August 8, 1989 (Ont.C.A.)
  R. v. Dewsbury (1989), 50 C.C.C. (3d) 163 (Ont.H.C.J.)
  R. v. Buxbaum (1989), 70 C.R. (3d) 20 at pp. 27-8 (Ont.C.A.)

Class 7

V. ELECTIONS, PRELIMINARY INQUIRY AND DISCLOSURE

- Ss. 535-572 (Parts 18 and 19); Ss.603-5, 625.1, 645(5) and 650(3)
- Charter, Ss. 7 and 11(d)
- Deslisle & Stuart: pp.536-574
- Code Supplement:
  R. v. Hoffman, September 15, 1992 (Ont.C.A.)
  R. v. Goldstein & Caicedo (1988), 42 C.C.C. (3d) 548 (Ont.C.A.)
  R. v. Stewart (1988), 44 C.C.C. (3d) 109 (Ont.C.A)
  Re. Cover and The Queen (1988), 44 C.C.C. (3d) 34 (Ont.H.C.J.)
  R. v. Al-Amoud (1992), 10 O.R. (3d) 676 (Ont. Ct. Gen. Div.)
  M.H.C. v. The Queen (1991), 63 C.C.C. (3d) 385 (S.C.C.)
  Stinchcombe v. The Queen (1992), 68 C.C.C. (3d) 1 (S.C.C.)
  R. v. Douglas (1991), 5 O.R. (3d) 29 (Ont.C.A.)

Class 8

VI. FORM OF THE INDICTMENT, JOINDER AND SEVERANCE

- Ss..574-601
- Deslisle & Stuart, pp.613-671
- Code Supplement:
  Cote & Vezina v. The Queen, supras
  R. v. Saunders, sub. nom. Rooke & Devries (1990), 56 C.C.C. (3d) 220 (S.C.C.)
  G.B. et al v. The Queen (1990), 56 C.C.C. (3d) 200 (S.C.C.)
  Clunas v. The Queen (1992), 70 C.C.C. (3d) 115 (S.C.C.)

Classes 9 and 10

VII. PLEAS AND VERDICTS

- Ss.606-614 and 660-662
- Charter, s.11(h)
- Deslisle & Stuart, pp.575-583 and 672-746
- Code Supplement:
  Grdic v. The Queen (1985), 19 C.C.C. (3d) 289 (S.C.C.)
  R. v. Moore (1988), C.C.C. (3d) 481 (S.C.C.)

Classes 11 and 12

VIII. TRIAL BY JURY (including the mentally ill offender)

- Ss.615-658
- Charter, s.11(f)
- Deslisle & Stuart, pp.746-754 and 758-870
- Code Supplement:
  Swain v. The Queen (1991), 63 C.C.C. (3d) 481 (S.C.C.)

Class 13

IX. ROLES OF DEFENCE COUNSEL AND PROSECUTOR

- Deslisle & Stuart, pp.479-536
- Code Supplement:
  Law Society of Upper Canada Rules of Professional Conduct, 1987:
  i) Rule 10, including all Commentaries
  ii) Rule 8, including all Commentaries

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